

First Regular Session of the 121st General Assembly (2019)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2018 Regular and Special Session of the General Assembly.

HOUSE ENROLLED ACT No. 1278

AN ACT to amend the Indiana Code concerning environmental law and to make an appropriation.

Be it enacted by the General Assembly of the State of Indiana:

SECTION 1. IC 2-5-45 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]:

Chapter 45. 21st Century Energy Policy Development Task Force

Sec. 1. As used in this chapter, "task force" refers to the 21st century energy policy development task force established by section 2 of this chapter.

Sec. 2. The 21st century energy policy development task force is established.

Sec. 3. The task force consists of the following fifteen (15) members:

- (1) Four (4) members of the senate, appointed as follows:**
 - (A) Two (2) members appointed by the president pro tempore, one (1) of whom shall serve as co-chair of the task force.**
 - (B) Two (2) members appointed by the minority leader.**
- (2) Four (4) members of the house of representatives, appointed as follows:**
 - (A) Two (2) members appointed by the speaker, one (1) of whom shall serve as co-chair of the task force.**

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- (B) Two (2) members appointed by the minority leader.**
- (3) Three (3) members who have broad experience in electric utility policy and who are appointed by the governor, at least one (1) of whom represents utility ratepayers.**
- (4) One (1) member who has expertise with respect to the generation, transmission, and distribution of electricity and who is appointed by the governor.**
- (5) One (1) member who has expertise in advanced energy research and development and who is appointed by the governor.**
- (6) One (1) member who has expertise in renewable energy technology and deployment and who is appointed by the governor.**
- (7) One (1) member who has broad experience in both economic development and energy policy and who is appointed by the governor.**

Sec. 4. (a) Eight (8) members of the task force constitute a quorum.

(b) The affirmative vote of at least a majority of the members at a meeting at which a quorum is present is necessary for the task force to take official action other than to meet and take testimony.

(c) The task force shall meet at the call of the co-chairs.

Sec. 5. All meetings of the task force shall be open to the public in accordance with and subject to IC 5-14-1.5. All records of the task force shall be subject to the requirements of IC 5-14-3.

Sec. 6. The task force shall do the following:

- (1) Examine the state's existing policies regulating electric generation portfolios.**
- (2) Examine how possible shifts in electric generation portfolios may impact the reliability, system resilience, and affordability of electric utility service.**
- (3) Evaluate whether state regulators have the appropriate authority and statutory flexibility to consider the statewide impact of the changes described in subdivision (2), while still protecting ratepayer interests.**

Sec. 7. The task force shall develop recommendations for the general assembly and the governor concerning the following:

- (1) Outcomes that must be achieved in order to overcome any identified challenges concerning Indiana's electric generation portfolios, along with a timeline for achieving those outcomes.**
- (2) Whether existing state policy and statutes enable state regulators to properly consider the statewide impact of**



changing electric generation portfolios and, if not, the best approaches to enable state regulators to consider those impacts.

(3) How to maintain reliable, resilient, and affordable electric service for all electric utility consumers, while encouraging the adoption and deployment of advanced energy technologies.

Sec. 8. The task force shall:

(1) issue a report setting forth the recommendations required by section 7 of this chapter; and

(2) not later than December 1, 2020, submit the report to the following:

(A) The executive director of the legislative services agency for distribution to the members of the general assembly. The report submitted to the executive director of the legislative services agency under this clause must be in an electronic format under IC 5-14-6.

(B) The governor.

(C) The chair of the Indiana utility regulatory commission.

(D) The utility consumer counselor.

Sec. 9. The legislative services agency shall provide staff support to the task force.

Sec. 10. This chapter expires December 2, 2020.

SECTION 2. IC 8-1-8.5-3.1 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3.1. (a) As used in this section, "electric utility" means a:

(1) public, municipally owned, or cooperatively owned utility;

or

(2) joint agency created under IC 8-1-2.2;

that owns, operates, or manages any electric generation facility in Indiana for the provision of electric utility service to Indiana customers.

(b) Before July 1, 2020, the commission shall conduct a comprehensive study of the statewide impacts, both in the near term and on a long term basis, of:

(1) transitions in the fuel sources and other resources used to generate electricity by electric utilities; and

(2) new and emerging technologies for the generation of electricity, including the potential impact of such technologies on local grids or distribution infrastructure;

on electric generation capacity, system reliability, system



resilience, and the cost of electric utility service for consumers. In conducting the study required by this subsection, the commission shall consider the likely timelines for the transitions in fuel sources and other resources described in subdivision (1) and for the implementation of new and emerging technologies described in subdivision (2).

(c) During the 2019 legislative interim, the commission shall provide a progress report on the commission's work in conducting the study required by subsection (b) to the interim study committee on energy, utilities, and telecommunications established by IC 2-5-1.3-4(8).

(d) Not later than July 1, 2020, the commission shall issue to:

- (1) the governor;
- (2) the legislative council; and
- (3) the 21st century energy policy development task force established by IC 2-5-45-2;

a final report containing the commission's findings and recommendations on the topics outlined in subsection (b). The report to the legislative council under this subsection must be in an electronic format under IC 5-14-6.

(e) This section expires January 2, 2021.

SECTION 3. IC 13-11-2-199.4 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: **Sec. 199.4. "Septage management vehicle", for purposes of IC 13-18-12-2.2, has the meaning set forth in IC 13-18-12-2.2(b).**

SECTION 4. IC 13-11-2-257.6, AS ADDED BY P.L.107-2016, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: **Sec. 257.6. "Wastewater", for purposes of IC 13-18-12-2.2; IC 13-18, has the meaning set forth in IC 13-18-12-2.2(a)(3); means liquid or water-carried wastes from industrial, municipal, agricultural, or other sources.**

SECTION 5. IC 13-11-2-257.8 IS REPEALED [EFFECTIVE JULY 1, 2019]. **Sec. 257.8. "Wastewater management vehicle", for purposes of IC 13-18-12-2.2, has the meaning set forth in IC 13-18-12-2.2(b).**

SECTION 6. IC 13-13-8-4, AS ADDED BY P.L.133-2012, SECTION 72, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: **Sec. 4. (a) The board consists of the following sixteen (16) members:**

- (1) The following ex officio members:
 - (A) ~~The commissioner.~~ The commissioner, or the commissioner's designee, **who** serves as a nonvoting member



of the board.

~~(B) The commissioner of the state department of health.~~

~~(C) (B) The director of the department of natural resources.~~

~~(D) (C) The lieutenant governor.~~

~~(E) (D) The secretary of commerce or the secretary's designee.~~

(2) The following ~~eleven (11)~~ **twelve (12)** members, who shall be appointed by the governor based on recommendations from representative constituencies:

(A) One (1) representative of agriculture.

(B) One (1) representative of manufacturing.

(C) One (1) representative of environmental interests.

(D) One (1) representative of labor.

(E) One (1) representative of local government.

(F) One (1) representative of small business.

(G) One (1) health professional who holds a license to practice in Indiana.

(H) One (1) representative of the solid waste management industry.

(I) One (1) representative of a public utility that engages in the production and transmission of electricity.

(J) One (1) representative of the residential or commercial construction industry.

~~(K) Two (2) representatives of the general public who cannot qualify to sit for membership on the board under any of the other clauses in this subdivision. (A) through (J).~~

(b) An individual appointed under subsection (a)(2) must possess knowledge, experience, or education qualifying the individual to represent the constituency the individual is being recommended to represent.

SECTION 7. IC 13-14-8-7, AS AMENDED BY P.L.133-2012, SECTION 88, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 7. (a) Without limiting the generality of the regulatory authority of the board under this title, the board may adopt rules under IC 4-22-2 and IC 13-14-9 prescribing the following:

(1) Standards or requirements for discharge or emission specifying the maximum permissible short term and long term concentrations of various contaminants of the air, water, or land.

(2) Procedures for the administration of a system of permits for:

(A) the discharge of any contaminants;

(B) the construction, installation, or modification of any:

(i) facility;

(ii) equipment; or



- (iii) device;
that may be designed to control or prevent pollution; or
- (C) the operation of any:
 - (i) facility;
 - (ii) equipment; or
 - (iii) device;
 to control or to prevent pollution.
- (3) Standards and conditions for the use of any fuel or vehicle determined to constitute an air pollution hazard.
- (4) Standards for the filling or sealing of abandoned:
 - (A) water wells;
 - (B) water holes; and
 - (C) drainage holes;
 to protect ground water against contamination.
- (5) Alert criteria and abatement standards for pollution episodes or emergencies constituting an acute danger to health or to the environment, including priority lists for terminating activities that contribute to the hazard, whether or not the activities would meet all discharge requirements of the board under normal conditions.
- (6) Requirements and procedures for the inspection of any equipment, facility, vehicle, vessel, or aircraft that may cause or contribute to pollution.
- (7) Requirements and standards for equipment and procedures for:
 - (A) monitoring contaminant discharges at their sources;
 - (B) the collection of samples; and
 - (C) the collection, reporting, and retention, in accordance with record retention schedules adopted under IC 5-15-5.1, of data resulting from that monitoring.
- (8) Standards or requirements to control:
 - (A) the discharge; or
 - (B) the pretreatment;
 of contaminants introduced or discharged into publicly owned treatment works.
- (9) Fees, in accordance with IC 13-16-1.**

(b) If the board is required to adopt new rules or amend existing rules to implement an amendment to the federal Resource Conservation and Recovery Act or an amendment to or addition of a National Emission Standard for Hazardous Air Pollutants under the federal Clean Air Act, the board shall adopt the new rules or amend the existing rules not more than nine (9) months after the date the federal law becomes effective. This subsection does not limit the board's



authority to amend at any time the rules adopted under this subsection.

SECTION 8. IC 13-15-10-3, AS AMENDED BY P.L.133-2012, SECTION 109, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. (a) The waste facility operator trust fund is established. The ~~board~~ **department** shall deposit fees collected under this chapter in the fund.

(b) Money in the fund shall be used for paying the expenses of the training and certification program described in this chapter.

SECTION 9. IC 13-15-10-5, AS AMENDED BY P.L.133-2012, SECTION 111, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. (a) The board shall establish by rule and cause to be collected fees for the following:

- (1) Examination of applicants for certification.
- (2) Issuance, renewal, or transfer of a certificate.
- (3) Restoration of an expired certificate when that action is authorized by law.
- (4) Issuance of certificates by reciprocity or endorsement for out-of-state applicants.
- (5) Issuance of board or committee reciprocity or endorsements for resident practitioners who apply to another state for a certificate.

(b) A fee may not be less than fifty dollars (\$50) unless the fee is collected under a rule adopted by the board that sets a fee for miscellaneous expenses incurred by the department on behalf of ~~the operators the board regulates~~ **regulated under rules adopted by the board**. The fees may not be less than are required to pay all of the costs, both direct and indirect, of the operation of the department under this chapter, **and are payable to the department in accordance with section 6 of this chapter**.

(c) A fee may not be charged to an operator employed by a solid waste facility that is wholly owned and operated by a unit of local government.

SECTION 10. IC 13-15-10-6, AS AMENDED BY P.L.133-2012, SECTION 112, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6. (a) For the payment of fees under this chapter, the ~~board~~ **department** shall accept **any of the following**:

- (1) Cash.
- (2) A draft.
- (3) A money order.
- (4) A cashier's, ~~check,~~ **and** a certified, or ~~other~~ personal check.
- (5) **An electronic fund transfer, if the department makes**



payment by this means available.

(b) If:

- (1) the **board department** receives an uncertified personal check for the payment of a fee; and
- (2) the check does not clear the bank;

the **board department** may void the license, registration, or certificate for which the check was received.

(c) Unless designated by rule, a fee is not refundable or transferable.

SECTION 11. IC 13-15-11-1, AS AMENDED BY P.L.133-2012, SECTION 113, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. **(a)** The environmental management permit operation fund is established for the purpose of providing money for permitting and directly associated activities of the following programs of the department and the board:

- (1) **The** National Pollutant Discharge Elimination System program.
- (2) **The** solid waste program.
- (3) **The** hazardous waste program.
- (4) **The** safe drinking water program.

(b) Money in the fund may be used only to pay the direct and indirect reasonable costs of the activities referred to in subsection (a), including the following:

- (1) **The preparation of rules and guidance regarding implementation and enforcement of the programs listed in subsection (a)(1) through (a)(4).**
- (2) **The review of and action on:**
 - (A) **permit applications;**
 - (B) **permit modifications;**
 - (C) **permit renewals; and**
 - (D) **permit revocations;**

under the programs listed in subsection (a)(1) through (a)(4).

(3) Implementing and enforcing the terms of a permit granted under any of the programs listed in subsection (a)(1) through (a)(4), except for court costs of enforcement actions.

(4) General administrative costs of operating the programs listed in subsection (a)(1) through (a)(4).

SECTION 12. IC 13-15-11-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. (a) The department shall administer the fund. **Revenue that accrues to the fund is continuously appropriated to the department for the purpose set forth in subsection (c).**

(b) Expenses of administering the fund shall be paid from money in



the fund.

(c) Money in the fund may be used only to pay the costs incurred by the department in operating the permit programs conducted under:

- (1) IC 13-18-10;**
- (2) IC 13-18-20;**
- (3) IC 13-18-20.5;**
- (4) IC 13-20-21; and**
- (5) IC 13-22-12.**

SECTION 13. IC 13-15-11-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. The ~~fund~~ **consists of sources of money for the fund are the following:**

(1) The fees and delinquent charges collected under the following:

- (A) IC 13-18-10.**
- ~~(B) IC 13-18-20.~~
- ~~(C) IC 13-18-20.5.~~
- ~~(D) IC 13-20-21.~~
- ~~(E) IC 13-22-12.~~

(2) Appropriations from the general assembly.

SECTION 14. IC 13-16-1-1, AS AMENDED BY P.L.133-2012, SECTION 114, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. This chapter applies to all fees established under this title. ~~by the board.~~

SECTION 15. IC 13-16-1-2, AS AMENDED BY P.L.113-2014, SECTION 68, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. To establish fees or change the amount of a fee, the board shall:

- (1) follow the procedure required for the adoption of rules; and
- (2) take into account:
 - (A) the cost **to the department** of the issuance of a permit, ~~or~~ license, **or approval;**
 - (B) the cost **to the department** of the performance of services in connection with the supervision, review, and other necessary activities related to the ~~area involved;~~ **permit, license, or approval;**
 - (C) the cost **to the department** of the surveillance of the activity or property covered by the license, ~~or~~ permit, **or approval; and**
 - (D) the cost **to the department** of amendments, modifications, and renewals of a permit, license, or approval; and



~~(D)~~ **(E)** fees charged for equivalent ~~permits or licenses~~ **activities** in other states.

SECTION 16. IC 13-16-1-3, AS AMENDED BY P.L.133-2012, SECTION 115, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. A fee established ~~by the board~~ under this ~~chapter title~~ for a type or class of permit:

- (1)** may be based on the average of the costs specified in section 2 of this chapter for all permits of that type or class;
- (2)** may be set at a particular amount in consideration of the type and amount of discharge or emission to which the permit relates; and
- (3)** may not be different in amount for public sector permit holders than for private sector permit holders, unless the difference is specifically authorized by the Indiana Code.

SECTION 17. IC 13-16-1-4, AS AMENDED BY P.L.133-2012, SECTION 116, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. **(a)** The board shall periodically review the fees established under this ~~chapter title~~. The board may ~~set or change the amount of a fee~~ if the board determines, based upon the ~~factors set forth in section 2~~ **information provided under subsections (b) and (c) and the provisions of section 3** of this chapter, that ~~a fee is necessary or that the amount of the a fee is not~~ appropriate.

(b) To assist the board in the periodic review of fees required by this section, the department shall:

- (1)** arrange for an independent study of the costs referred to in section 2(2)(A) through 2(2)(D) of this chapter;
- (2)** develop information on fees charged for equivalent activities in other states, as applicable, as provided in section 2(2)(E) of this chapter; and
- (3)** periodically develop information on activities, functions, and permits that have been added or eliminated since the previous fee structure was adopted.

(c) The department shall:

- (1)** present the information described in subsection (b) to the board for consideration; and
- (2)** if so directed by the board, initiate a rulemaking under IC 13-14-9 to address fees.

SECTION 18. IC 13-16-1-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. **(a)** **Except as provided in subsection (b)**, a fee established ~~by the board~~ under this chapter shall be deposited in the environmental management ~~special~~



permit operation fund under ~~IC 13-14-12~~ IC 13-15-11 when the fee is collected.

(b) The fee established under IC 13-17-8-3 shall be deposited in the Title V operating permit program trust fund established by IC 13-17-8-1 when the fee is collected.

SECTION 19. IC 13-16-1-5.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5.5. **(a) All fee amounts set forth numerically in this title are minimum amounts. Even if the amount of a fee is set forth numerically in this title, the board, under HEA 1278-2019, SECTION 35, and sections 2 through 4 of this chapter, may increase the fee to an amount greater than the minimum fee amount set forth numerically in this title.**

(b) After the board, under subsection (a), increases the amount of a fee to an amount greater than the minimum fee amount set forth numerically in this title, the legislative services agency shall prepare legislation for introduction in the regular session of the general assembly immediately following the effective date of the board's fee increase to remove the fee amount set forth numerically in this title.

SECTION 20. IC 13-16-1-6, AS AMENDED BY P.L.113-2014, SECTION 69, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6. **(a) Notwithstanding sections 1 through 5 of this chapter or any other law, The board or the department may not: do any of the following:**

(1) Except as provided in section 7 of this chapter, set or change the amount of a fee established by (A) IC 13-18-20; (B) IC 13-20-21; or (C) IC 13-22-12; under this title more than one (1) time in five (5) years; or

(2) Establish an additional fee that was not in effect on January 1, 1994, concerning the following:

(A) National Pollutant Discharge Elimination System programs:

(B) Solid waste programs:

(C) Hazardous waste programs:

(3) (2) require payment of a fee for material used as alternate daily cover pursuant to a permit issued by the department under 329 IAC 10-20-13.

(b) A change in a fee established under this title may not increase the amount of the fee by more than ten percent (10%).

SECTION 21. IC 13-17-8-3, AS AMENDED BY P.L.133-2012, SECTION 122, IS AMENDED TO READ AS FOLLOWS



[EFFECTIVE UPON PASSAGE]: Sec. 3. **In accordance with IC 13-16-1**, the board shall adopt fees to be collected under the operating permit program. The annual aggregate amount of fees collected under the operating permit program from all sources subject to the operating permit program must be sufficient to cover only the direct and indirect reasonable costs of the following permit program activities:

- (1) Preparing rules, regulations, and guidance regarding implementation and enforcement of the program.
- (2) Reviewing and acting on the following:
 - (A) An application for an operating permit.
 - (B) An operating permit revision.
 - (C) An operating permit renewal.
- (3) The general administrative cost of running the operating permit program.
- (4) Implementing and enforcing the terms of a permit granted under the operating permit program. However, court costs for enforcement actions are not included under this subdivision.
- (5) Emissions and ambient monitoring.
- (6) Modeling analyses and demonstrations.
- (7) Preparing inventories and tracking emissions.
- (8) Developing and administering a small business stationary source technical and environmental compliance assistance program.

SECTION 22. IC 13-17-15-4, AS ADDED BY P.L.181-2018, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 4. Drugs confiscated or collected as evidence by a law enforcement agency may be disposed of and destroyed in any of the following:

- (1) Portland cement manufacturing kilns regulated under 40 CFR 63, Subpart LLL.
- (2) Electric arc furnace steelmaking facilities regulated under:
 - (A) 40 CFR 60, Subpart AAa; or
 - (B) 40 CFR 63, Subpart YYYYY.
- (3) Integrated iron and steel manufacturing furnaces regulated under 40 CFR 63, Subpart FFFFF.
- (4) Commercial and industrial solid waste incineration units regulated under 40 CFR ~~63~~, **60**, Subpart CCCC or DDDD.
- (5) Hazardous waste combustion units regulated under 40 CFR 63, Subpart EEE.
- (6) Hospital, medical, and infectious waste incinerators regulated under 40 CFR 60, Subpart Ce or Ec.



(7) Institutional boilers and process heaters regulated under 40 CFR 63, Subpart DDDDD.

(8) Small or large municipal waste combustion units regulated under:

(A) 40 CFR 60, Subpart AAAA, BBBB, ~~HH~~, Ea, Eb, or Cb; or

(B) **40 CFR 62, Subpart JJJ.**

SECTION 23. IC 13-18-12-2.2, AS ADDED BY P.L.107-2016, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 2.2. (a) As used in this section:

(1) "chemical toilet" has the meaning set forth in 327 IAC 7.1-2-6; **and**

(2) "sewage disposal system" has the meaning set forth in 327 IAC 7.1-2-36; **and**

~~(3) "wastewater" has the meaning set forth in 327 IAC 7.1-2-41;~~
on February 1, 2016.

(b) As used in this section, ~~"wastewater "~~**septage** management vehicle" means a vehicle used for the removal of ~~wastewater~~ **septage** from sewage disposal systems.

(c) Notwithstanding 327 IAC 7.1-6-1, the invoice provided to a customer by the person who uses a ~~wastewater~~ **septage** management vehicle to remove ~~wastewater~~ **septage** from the customer's sewage disposal system need not show:

(1) the date on which the ~~wastewater~~ **septage** was removed from the sewage disposal system; or

(2) the amount of ~~wastewater~~ **septage** removed from the sewage disposal system;

if the sewage disposal system from which the ~~wastewater~~ **septage** is removed is a chemical toilet.

SECTION 24. IC 13-18-12-2.5, AS AMENDED BY P.L.133-2012, SECTION 130, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2.5. (a) The department and the board may allow a person to use industrial waste products in a land application operation or as ingredients in a soil amendment or soil substitute to be land applied if:

(1) the industrial waste products are not hazardous wastes;

(2) the industrial waste products:

(A) have a beneficial use (as defined in 327 IAC 6.1-2-6); or

(B) otherwise provide a benefit to the process of creating the soil amendments or soil substitute or to the final soil amendment, soil substitute, or material to be land applied, such as bulking;

(3) the finished soil amendment, soil substitute, or material to be



land applied satisfies the applicable criteria in 327 IAC 6.1;
 (4) the finished soil amendment, soil substitute, or material to be land applied has a beneficial use;
 (5) the requirements of subsection (b) are satisfied; and
 (6) the person pays a permit fee in an amount determined ~~by the department~~ **under rules adopted by the board** that does not exceed the costs incurred by the department to issue the permit.

(b) The department:

(1) may allow the use of industrial waste products:

(A) in a land application operation; or

(B) as ingredients in a soil amendment or soil substitute to be land applied;

on the same basis as other materials under the rules concerning land application and marketing and distribution permits;

(2) may not:

(A) discriminate against the use of industrial waste products on the basis that the industrial waste products lack biological carbon;

(B) impose requirements beyond applicable criteria in 327 IAC 6.1, unless additional requirements are necessary for the protection of human health and the environment;

(C) require that the finished soil amendment, soil substitute, or material to be land applied must be of a particular economic value; or

(D) for any pollutant that has a pollutant limit or concentration in 327 IAC 6.1, require that an industrial waste product or the finished soil amendment, soil substitute, or material to be land applied satisfies:

(i) the department's ~~risk integrated system of closures nonrule policy document;~~ **remediation closure guidance;**
 or

(ii) any other standards other than criteria in 327 IAC 6.1;

(3) for any pollutant present in the industrial waste products that does not have a pollutant limit or concentration in 327 IAC 6.1, shall consider the benefits of the finished soil amendment, soil substitute, or material to be land applied as compared to the measurable risks to human health and the environment based on the anticipated use of the finished soil amendment, soil substitute, or material to be land applied; and

(4) shall require an application for a permit for the land application of industrial waste products to include characterization of individual industrial waste products at the



point of waste generation before mixing the waste streams.

(c) The board may adopt rules for pollutant limits or concentrations for pollutants for which limits or concentrations do not exist in 327 IAC 6.1 as of July 1, 2011.

SECTION 25. IC 13-18-12-5, AS AMENDED BY P.L.37-2012, SECTION 22, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. (a) ~~Subject to subsections (b) and (c)~~, The board may adopt a fee schedule for the issuance of:

- (1) septage management permits; and
- (2) land application site approvals;

under this chapter **in accordance with IC 13-16-1.**

~~(b) A permit fee may not exceed one hundred dollars (\$100) per year.~~

~~(c) A land application approval fee may not exceed thirty dollars (\$30) per year per site.~~

~~(d) (b)~~ Whenever the board designates a county or city health agency as the board's agent to approve land application sites under this chapter, the county or city health agency shall collect and retain the land application approval fee.

SECTION 26. IC 13-18-16-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 7. **(a)** A person responsible for the operation of public water systems shall submit:

- (1) samples of water for analysis; and
- (2) reports of operation pertaining to the sanitary quality, chemical quality, or adequacy of water supplied by those systems;

that the commissioner requests. The operator certified under IC 13-18-11 must verify under oath the reports of operation.

(b) The reports submitted to the department under subsection (a)(2) shall be submitted electronically unless the commissioner authorizes another method of submitting the reports.

SECTION 27. IC 13-18-20-11.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 11.5. (a) In addition to the fee under section 12 of this chapter, when a person files a notice of intent with the department concerning:

- ~~(1) an initial; or~~
- ~~(2) the renewal of a;~~

~~general NPDES permit for a CAFO; the person must remit a permit fee of one hundred dollars (\$100) to the department.~~

~~(b) In addition to the fee under section 12 of this chapter, when a person files an application with the department concerning:~~

- ~~(1) an initial NPDES permit for a CAFO; or~~
- ~~(2) the renewal of an individual NPDES permit for a CAFO;~~



the person must remit a permit fee of two hundred fifty dollars (\$250) to the department.

(e) **(b)** If a person is subject to a fee for a CAFO under this section, no other fee under this chapter applies to the CAFO other than the fee under section 12 of this chapter.

SECTION 28. IC 13-20-3-2 IS REPEALED [EFFECTIVE JULY 1, 2019]. Sec. 2: (a) A solid waste hauler that collects solid waste in Indiana and takes the solid waste to a transfer station or final disposal facility outside Indiana shall maintain records for at least one (1) year that identify, for each shipment, the county and state of origin of the largest part of the solid waste by volume:

(b) Each solid waste hauler who is required to maintain records under subsection (a) shall file quarterly reports with the department that:

- (1) state the location of each out-of-state transfer station or final disposal facility; and
- (2) identify the volume of solid waste from each county and state taken to the transfer station or final disposal facility during the reporting period.

SECTION 29. IC 13-20-3-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 3. A hauler that:

- (1) is required to make a certification or report under section 1 or 2 of this chapter concerning the origin of the solid waste; and
- (2) did not collect the solid waste at the point of origin;

may satisfy the requirements of ~~sections~~ **section 1 and 2** of this chapter concerning a certification or report of origin of the solid waste by presenting a certification from the owner or operator of the facility at which the solid waste was picked up that indicates the county and state of origin of the largest part of the solid waste. The department shall establish procedures that allow the use of average figures in making the certification.

SECTION 30. IC 13-20-3-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 4. The requirements of ~~sections~~ **section 1 and 2** of this chapter do not apply to haulers and owners or operators engaged in transporting or disposing of solid waste that is:

- (1) generated by a person; and
- (2) disposed of at a site that is:
 - (A) owned by the person; and
 - (B) limited, for the purposes of the disposal of solid waste, to use by the person for the disposal of solid waste generated by the person.



SECTION 31. IC 13-20-22-1, AS AMENDED BY P.L.220-2014, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 1. (a) A fee is imposed on the disposal or incineration of solid waste in a final disposal facility in Indiana. Except as provided in section 14 of this chapter, the amount of the fee is as follows:

(1) For solid waste generated in Indiana, ~~and delivered to a final disposal facility in a motor vehicle having a registered gross vehicle weight greater than nine thousand (9,000) pounds,~~ fifty cents (\$0.50) a ton.

(2) For solid waste generated outside Indiana: ~~and delivered to a final disposal facility in a motor vehicle having a registered gross vehicle weight greater than nine thousand (9,000) pounds:~~

(A) fifty cents (\$0.50) a ton; and

(B) if the board has adopted rules under subsection ~~(c)~~; ~~(b)~~, an additional amount imposed under the rules.

~~(3) For solid waste generated in Indiana or outside Indiana and delivered to a final disposal facility in:~~

~~(A) a motor vehicle having a registered gross vehicle weight of not more than nine thousand (9,000) pounds; or~~

~~(B) a passenger motor vehicle (as defined in IC 9-13-2-123); fifty cents (\$0.50) for each load delivered by the motor vehicle.~~

(b) The board may adopt rules to establish and impose a fee on the disposal or incineration of solid waste that is:

(1) generated outside Indiana; and

(2) disposed of or incinerated in a final disposal facility in Indiana.

If rules are adopted under this subsection, the fee shall be set at an amount necessary to offset the costs incurred by the state or a county, municipality, or township that can be attributed to the importation of the solid waste into Indiana and the presence of the solid waste in Indiana.

~~(c) Revenue from fees collected under subsection (a)(1) and (a)(2)(A) shall be deposited in the state solid waste management fund established by section 2 of this chapter. Revenue from fees collected under subsection (a)(2)(B) shall be deposited in the hazardous substances response trust fund established by IC 13-25-4-1, except that any part of the revenue that the board finds is necessary to offset costs incurred by counties, municipalities, and townships shall be distributed to solid waste management districts pro rata on the basis of the district's population.~~

~~(d)~~ (c) If solid waste has been subject to a fee under this section, the



total amount of the fee paid shall be credited against any other fee to which the solid waste may later be subject under this section.

(e) (d) A fee may not be imposed upon material used as alternate daily cover pursuant to a permit issued by the department under 329 IAC 10-20-13.

SECTION 32. IC 13-20-22-12, AS AMENDED BY P.L.220-2014, SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 12. ~~Each month~~ The department shall deposit the following **on a quarterly basis**:

(1) Not less than fifty percent (50%) of the revenue from the fee imposed under section 1(a)(1) of this chapter into the Indiana recycling promotion and assistance fund established ~~in~~ by IC 4-23-5.5-14.

(2) Not more than fifty percent (50%) of the revenue from the fee imposed under section 1(a)(1) of this chapter into the **state solid waste management** fund **established by section 2 of this chapter**.

(3) The revenue from the fee imposed under section 1(a)(2) of this chapter into the hazardous substance response trust fund established by IC 13-25-4-1.

SECTION 33. IC 13-22-12-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 6. Hazardous waste annual operation fees begin accruing January 1 each year. The department shall assess the fees not later than ~~January~~ **June** 15 of that year.

SECTION 34. IC 13-23-8-4, AS AMENDED BY P.L.96-2016, SECTION 25, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 4. (a) The administrator shall pay ELTF claims that are:

- (1) for costs related to eligible releases;
- (2) submitted by eligible parties; and
- (3) submitted in accordance with IC 13-23-8 and IC 13-23-9.

(b) An eligible party may assign the right to receive payment of an ELTF claim to another person.

(c) **Not more than forty-five (45) business days after an ELTF claim is submitted, the administrator shall do one (1) of the following:**

- (1) **Approve the ELTF claim and, under IC 13-23-9-2(c), forward the ELTF claim to the auditor of state for payment.**
- (2) **Send to the claimant a written notice that:**
 - (A) **states that a correction, a clarification, or additional information is needed before the ELTF claim can be**



approved; and

(B) provides a clear explanation:

(i) of the correction, clarification, or additional information that is needed; and

(ii) of why it is needed.

(3) Deny the claim and provide the claimant with a statement of the reasons for the denial under IC 13-23-9-2(b).

SECTION 35. [EFFECTIVE UPON PASSAGE] (a) The environmental rules board shall, before January 1, 2022, adopt rules under IC 4-22-2 and IC 13-14-9 to increase the amount of the fees referred to in subsections (c) and (d). The fee increase under this SECTION shall be in accordance with IC 13-16-1, as amended by this act, except as provided in subsection (e).

(b) The board shall increase the fees referred to in subsections (c) and (d) only one (1) time under this SECTION.

(c) The board shall increase the fees established by:

(1) IC 13-18-10;

(2) IC 13-18-20;

(3) IC 13-18-20.5;

(4) IC 13-20-21; and

(5) IC 13-22-12;

to the extent calculated to cause annual aggregate fee revenue after the fee increase under this subsection to be three million two hundred thousand dollars (\$3,200,000) greater than the aggregate fee revenue actually received in the year immediately preceding the fee increase under this subsection from the fees established by the statutes listed in subdivisions (1) through (5).

(d) The board shall increase the fees established by IC 13-17-8 to the extent calculated to cause annual aggregate fee revenue after the fee increase under this subsection to be two million dollars (\$2,000,000) greater than the aggregate fee revenue actually received from the fees established by IC 13-17-8 in the year immediately preceding the fee increase under this subsection. The fee increase under this subsection shall occur in accordance with the requirements of 326 IAC 2-1.1-7(b)(1) and 326 IAC 2-7-19.

(e) Notwithstanding IC 13-16-1-6(b), as added by this act, a fee may be increased under this SECTION by more than ten percent (10%).

(f) This SECTION expires on the earlier of the following:

(1) The effective date of the rules adopted under this SECTION.

(2) January 1, 2022.



SECTION 36. An emergency is declared for this act.



Speaker of the House of Representatives

President of the Senate

President Pro Tempore

Governor of the State of Indiana

Date: _____ Time: _____

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